

the x-rays reveal that on November 8, 2006, the Plaintiff had only one fractured rib, namely a fracture of the left 5th rib in the posterior axillary line. Moreover, on November 15, 2006, the Plaintiff himself acknowledged on a sick call request form his belief that only “ONE of my ribs is broken. I had one broken before and I believe it broken.” The x-ray report of the x-ray taken on November 8, 2006 does not, as alleged, make reference to “more bruised ribs,” nor is the term “bruise” reflected on the November 7, 2006 body chart. Thus, the fracture of the Plaintiff’s left 5th rib appears to be the only alleged back injury to which he is referring. Although the body chart notes a contusion to the Plaintiff’s left upper eyelid and a small laceration noted behind his right ear which subsequently required 6 stitches, there is no evidence there that the Plaintiff suffered a concussion as alleged. To the contrary, the body chart, which is devoid of the term “concussion” and which was apparently prepared very shortly after the November 7, 2006 incident in question, reflects that, among other things, the Plaintiff had a “steady gait” upon admission.

The Plaintiff also claims that Defendant Mosley is liable in her individual and personal capacity because she has a) purportedly developed a custom and policy of fully supporting any actions her officers undertake in controlling inmates; b) allegedly allowed arbitrary and abusive misconduct on the part of Defendant Knox that no other institute would allow; c) supposedly never ordered an investigation into Plaintiff’s complaint; and d) purportedly has a habit of covering up for her officers’ alleged misconduct, especially Defendant Knox. The Plaintiff is just plain wrong and offers no facts to support his fabricated claims.

Mosley unequivocally denies all of the Plaintiff's outlandish and unsubstantiated claims against her. (See Defendant Mosley's Addendum to Previous Affidavit at Ex. "A") She notes, among other things, that Captain Knox has worked at several institutions during his career in Corrections and has a good work record at all Institutions; that a Use of Force Investigation was conducted on this incident; and that she has not seen any complaint from the Plaintiff or any other inmates to support the Plaintiff's allegation.

Other than asserting in shotgun conclusory fashion the above referenced far-fetched, unsubstantiated allegations, the Plaintiff has produced only two (2) signed affidavits from fellow inmates, namely Reginald Moore and Lawrence Billingsley, to support his claims. In particular, both inmate Moore's and inmate Billingsley's affidavits are practically identical and read in part as follows: "I cannot testify as to what or how David got these injuries because I am not a physical witness. Nevertheless based on my experience of "doing time" I tend to believe that what he said happened to him did in fact happen to him i.e. that he was beaten by the riot squad members on 11/7/06." Significantly, neither affidavit mentions much less points a finger at Easterling Correctional Facility, Warden Mosley or Jeffery Knox. Moreover, neither inmate Moore nor inmate Billingsley have ever made a claim for excessive force being use against either one of them or any other inmate at Easterling.

Supervisory liability under 42 U.S.C. §1983 for subordinates' use of excessive force against inmates in violation of the Eighth Amendment occurs when the supervisor personally participates in the alleged constitutional violation or when there is a causal connection between the actions of the supervising official and the alleged constitutional deprivation. *Cottone v Jenne*, 326 F.3d 1352, 1360 (11th Cir. 2003) Here, however, there

is absolutely no evidence that Mosley personally participated in the alleged incident in question or that any correctional officers were following specific direction from Mosley with regard to this matter. Thus, the question presented is whether there was a causal connection between Mosley's actions or inaction and the alleged incident made the basis of this complaint.

A causal connection may be established when: 1) a "history of widespread abuse" puts the responsible supervisor on notice of the need to correct the alleged deprivation, and he or she fails to do so; 2) a supervisor's custom or policy results in deliberate indifference to constitutional rights; or 3) facts support an inference that the supervisor directed subordinates to act unlawfully or knew that subordinates would act unlawfully and failed to stop them from doing do. *Id.*; *Valdes v Crosby*, 450 F3d 1231, 1237(11th Cir 2006).

Beyond conclusory allegations, the Plaintiff has failed to produce any evidence to support his claims against Mosley. There is simply no evidence that Mosley has established a de facto custom or policy that resulted in such violations. Likewise, as noted above, the record dismally fails to demonstrate any kind of "history of widespread abuse" which resulted in deliberate indifference to constitutional rights and there is no evidence of record from which the Court could determine that Mosley directed subordinates to act unlawfully or knew that subordinates would act unlawfully and failed to stop them from doing so.

CONCLUSION

Based on the reasons stated above and in the Special Report, the Defendants assert that Mosley is not and cannot be found liable in her individual and personal

capacity; that the Plaintiff's injury is arguably *de minimis*; and, that the Plaintiff has failed to meet the threshold showing that force was applied maliciously and sadistically for the very purpose of causing him harm. In light of the foregoing, the Defendants respectfully renew their request that this Honorable Court enter a summary judgment in their favor.

Respectfully submitted,

TROY KING
ATTORNEY GENERAL

/s/ MARY GOLDTHWAITE
MARY GOLDTHWAITE (GOL013)
ASSISTANT ATTORNEY GENERAL

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 353-9189
(334) 242-2433 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have, on this then 13th day of March, 2007, served a copy of the foregoing upon the following person, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

David Allen, #150171
Easterling Correctional Facility
200 Wallace Drive
Clio, AL 36017

/s/ MARY GOLDTHWAITE
OF COUNSEL

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVID ALLEN, # 150171
Plaintiff,

VS.

GWENDOLYN MOSLEY, WARDEN III, et al.
Defendant (s)

CASE NO. 2:06-CV-1020-T

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Gwendolyn Mosley, who being known to me and being by me duly sworn, deposes and says under oath as follows:

My name is Gwendolyn Mosley, and I am presently employed as Warden III, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, Alabama, 36017. I am over twenty-one (21) years of age.

ADDENDUM TO PREVIOUS AFFIDAVIT

Inmate David Allen, #150171, was assigned to Easterling Correctional Facility on June 27, 2002. He is serving under ACT 446 Law in Class IV for Robbery I. Inmate Allen has received several Disciplinarys and Citations since he has been confined. (Exhibit #1 Alabama Department of Corrections Inmate Summary).

Inmate Allen's allegation that I have developed a custom and policy of fully supporting any actions that officers undertake to control inmates is untrue.

I support employees at Easterling if they act in good faith.

I have not covered up for any Officer or any ADOC Employee for misconduct.

Inmate Allen's allegation that Captain Jeffery Knox's conduct is shocking and abusive and no other Institution would put up with his conduct is untrue. Captain Knox has worked at several Institutions during his career in Corrections and has a good work record at all Institutions.

Our Administrative Lieutenant conducted a Use of Force Investigation on the incident. (Exhibit # 2).

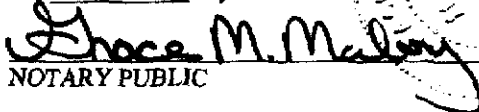


Affidavit – Gwendolyn Mosely
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I have not seen any complaint from Inmate Allen or any other inmates to support Inmate Allen's allegation. On February 2, 2007, Inmate Allen did write a request slip asking to speak with me in person. I responded back to him that he (Allen) needed to be more specific, stating exactly why he needed to speak to me. (Exhibit #3). I did not get an answer back from Inmate Allen.


GWENDOLYN MOSLEY

SWORN TO AND SUBSCRIBED TO before me this the 7th day of
March, 2007.


NOTARY PUBLIC

My Commission Expires: 03/31/07

C8R7163

ALABAMA DEPARTMENT OF CORRECTIONS
INMATE SUMMARY AS OF 01/02/2007Exhibit #1
INST: 0
CODE: CORVK

RECEIVED JAN - 5 2007

5A009

AIS: 00150171 INMATE: ALLEN, DAVID LINCOLN RACE: B SEX: M
 INST: 041 EASTERLING CORRECTIONAL CENTER DORM: 00 JAIL CR: 000Y 06M 28D
 DOB: 11/30/1955 SSN: 418-82-8251 PREVIOUS AIS: 00135340
 ALIAS: ALLEN, DANNY ALIAS: ALLEN, DANNY LINCOLN
 ALIAS: ALLEN, LINCOLN DAVID
 ADM DT: 06/20/1988 DEAD TIME: 000Y 00M 00D
 ADM TYP: NEW COMIT FROM CRT W/O REV OF STAT: REMOVED FROM SEGREGATION
 CURRENT CUST: MED9 CURRENT CUST DT: 07/16/2002 PAROLE REVIEW DATE: NONE
 SECURITY LEVEL: 141 FOUR
 SERVING UNDER ACT446 LAW IN CLASS IV CURRENT CLASS DATE: 05/11/1988
 INMATE IS EARNING : PROHIBITED FROM EARNING GOODTIME

COUNTY	SENT DT	CASE NO	CRIME	JL CR	TERM
CHAMBERS	05/11/88	N88000044	ROBBERY I	0208D	020Y 00M 00D CS

TOTAL TERM	MIN REL DT	GOOD TIME BAL	GOOD TIME REV	LONG DATE
020Y 00M 00D	10/12/2007	000Y 00M 00D	000Y 00M 00D	10/12/2007

INMATE LITERAL:

DETAINDER WARRANTS SUMMARY

>DET WRT: 07/08/1988 TYPE NOTIFICATION ONLY GA DEPT OF CORRS
 LITERAL: 12 YRS CC MVAL SEQ #: 01 CASE #:
 OFFENSE: 254F ROBBERY

ESCAPEE/PAROLE SUMMARY

INMATE CURRENTLY HAS NO PAROLE RECORDS

INMATE CURRENTLY HAS NO PROBATION 754 RECORDS

INMATE HAS NO ESCAPES FROM ADOC SINCE OBSCIS RECORDING B

DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 12/21/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
 DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 56
 RETAINED DAYS: 0000 SEQ #: 62 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

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ALABAMA DEPARTMENT OF CORRECTIONS
INMATE SUMMARY AS OF 01/02/2007INST: 041
CODE: CDRVK

***** CONTINUATION *****

AIS: 00150171 INMATE: ALLEN, DAVID LINCOLN RACE: B SEX: M

DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 07/18/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 61 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 02/24/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 60 RULE LIT: THREATS

>> DISCIPLINE: 02/24/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 59 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 02/22/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 58 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 02/22/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 57 RULE LIT: THREATS

>> DISCIPLINE: 02/08/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 56 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF 00

>> DISCIPLINE: 10/26/2005 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 55 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 10/12/2005 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 54 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 10/12/2005 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 53 RULE LIT: THREATS

>> CITATION: 09/23/2005 CUST FROM MED9 TO MED9
CITATION TYPE: BEHAVIOR CITATION AT INST: 041 RULE NUMBER: 85
RETAINED DAYS: 0000 SEQ #: 52 RULE LIT: VIOLATION OF INSTIT. RULES OR REG

>> DISCIPLINE: 02/23/2005 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 35
RETAINED DAYS: 0000 SEQ #: 51 RULE LIT: FIGHTING WITHOUT A WEAPON

>> DISCIPLINE: 11/19/2004 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 50 RULE LIT: THREATS

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INMATE SUMMARY AS OF 01/02/2007INST: 041
CODE: CORVK

***** CONTINUATION *****

IS: 00150171 INMATE: ALLEN, DAVID LINCOLN RACE: B SEX: M

DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 11/17/2004 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 49 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 09/16/2004 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 31
RETAINED DAYS: 0000 SEQ #: 48 RULE LIT: ASSAULT ON ANOTHER INMATE

>> DISCIPLINE: 02/11/2003 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 47 RULE LIT: THREATS

>> DISCIPLINE: 01/29/2003 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 31
RETAINED DAYS: 0000 SEQ #: 46 RULE LIT: ASSAULT ON ANOTHER INMATE

>> DISCIPLINE: 12/19/2002 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 45 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 11/15/2002 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 69
RETAINED DAYS: 0000 SEQ #: 44 RULE LIT: DESTROY/DISPOSE/ALTER/DAMAGE/SELL

>> CITATION: 06/26/2002 CUST FROM MIN9 TO MIN9
CITATION TYPE: BEHAVIOR CITATION AT INST: 043 RULE NUMBER: 68
RETAINED DAYS: 0000 SEQ #: 43 RULE LIT: THEFT/DAMAGE/DESTRUCT. OF OTHER'S

>> DISCIPLINE: 06/26/2002 TIME LOST: 00Y00M00D CUST FROM MIN9 TO MIN9
DISCIPLINE TYPE: MAJOR AT INST: 043 RULE NUMBER: 72
RETAINED DAYS: 0000 SEQ #: 42 RULE LIT: FORGERY

>> DISCIPLINE: 04/24/2002 TIME LOST: 00Y00M00D CUST FROM MIN9 TO MIN9
DISCIPLINE TYPE: MAJOR AT INST: 043 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 41 RULE LIT: INSUBORDINATION

>> CITATION: 04/02/2002 CUST FROM MIN9 TO MIN9
CITATION TYPE: BEHAVIOR CITATION AT INST: 043 RULE NUMBER: 96
RETAINED DAYS: 0000 SEQ #: 40 RULE LIT: FAILURE TO REPORT

>> DISCIPLINE: 03/12/2001 TIME LOST: 00Y00M00D CUST FROM MIN9 TO MIN9
DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 39 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 05/10/1999 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 58
RETAINED DAYS: 0000 SEQ #: 38 RULE LIT: LYING OR GIVING FALSE INFO OR TES

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ALABAMA DEPARTMENT OF CORRECTIONS
INMATE SUMMARY AS OF 01/02/2007INST: 041
CODE: CDRVK

***** CONTINUATION *****

AIS: 00150171 INMATE: ALLEN, DAVID LINCOLN RACE: B SEX: M

DISCIPLINARY/CITATION SUMMARY

>> CITATION: 04/09/1999 CUST FROM MED9 TO MED9
CITATION TYPE: BEHAVIOR CITATION AT INST: 040 RULE NUMBER: 63
RETAINED DAYS: 0000 SEQ #: 37 RULE LIT: DISORDERLY CONDUCT

>> CITATION: 01/20/1999 CUST FROM MED9 TO MED9
CITATION TYPE: BEHAVIOR CITATION AT INST: 040 RULE NUMBER: 85
RETAINED DAYS: 0000 SEQ #: 36 RULE LIT: VIOLATION OF INSTIT. RULES OR REG

>> DISCIPLINE: 10/23/1998 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 35 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 09/11/1998 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 34 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 12/03/1997 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 33 RULE LIT: THREATS

>> DISCIPLINE: 11/12/1997 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 32 RULE LIT: THREATS

>> CITATION: 01/13/1997 CUST FROM MED9 TO MED9
CITATION TYPE: BEHAVIOR CITATION AT INST: 040 RULE NUMBER: 85
RETAINED DAYS: 0000 SEQ #: 31 RULE LIT: VIOLATION OF INSTIT. RULES OR REG

>> DISCIPLINE: 11/14/1996 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 30 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 01/30/1995 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 38
RETAINED DAYS: 0000 SEQ #: 29 RULE LIT: INDECENT EXPOSURE & EXHIBITION

>> DISCIPLINE: 04/07/1994 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 28 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 11/05/1993 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 27 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 10/21/1993 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 040 RULE NUMBER: 38
RETAINED DAYS: 0000 SEQ #: 26 RULE LIT: INDECENT EXPOSURE & EXHIBITION

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 ALABAMA DEPARTMENT OF CORRECTIONS
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 INST: 041
 CODE: CDRVK

***** CONTINUATION *****

AIS: 00150171 INMATE: ALLEN, DAVID LINCOLN RACE: B SEX: M

DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 08/19/1993 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
 DISCIPLINE TYPE: MAJOR AT INST: 063 RULE NUMBER: 38
 RETAINED DAYS: 0000 SEQ #: 25 RULE LIT: INDECENT EXPOSURE # EXHIBITION

>> DISCIPLINE: 06/16/1992 TIME LOST: 00Y00M00D CUST FROM MED5 TO MED5
 DISCIPLINE TYPE: MAJOR AT INST: 063 RULE NUMBER: 44
 RETAINED DAYS: 0000 SEQ #: 24 RULE LIT: THREATS

>> DISCIPLINE: 03/19/1992 TIME LOST: 00Y00M00D CUST FROM MED5 TO MED5
 DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 56
 RETAINED DAYS: 0000 SEQ #: 23 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 03/19/1992 TIME LOST: 00Y00M00D CUST FROM MED5 TO MED5
 DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 62
 RETAINED DAYS: 0000 SEQ #: 22 RULE LIT: INT. CREATE SECURITY/SAFETY/HEALT

>> DISCIPLINE: 01/13/1992 TIME LOST: 00Y00M00D CUST FROM MED5 TO MED5
 DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
 RETAINED DAYS: 0000 SEQ #: 21 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 01/13/1992 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
 DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 44
 RETAINED DAYS: 0000 SEQ #: 20 RULE LIT: THREATS

>> DISCIPLINE: 10/10/1991 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
 DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 29
 RETAINED DAYS: 0000 SEQ #: 19 RULE LIT: ASSAULT ON PERSONS ASSC. WITH DOC

>> DISCIPLINE: 05/17/1991 TIME LOST: 00Y00M00D CUST FROM CLS9 TO CLS9
 DISCIPLINE TYPE: MINOR AT INST: 041 RULE NUMBER: 63
 RETAINED DAYS: 0000 SEQ #: 18 RULE LIT: DISORDERLY CONDUCT

>> DISCIPLINE: 05/17/1991 TIME LOST: 00Y00M00D CUST FROM CLS9 TO CLS9
 DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 44
 RETAINED DAYS: 0000 SEQ #: 17 RULE LIT: THREATS

>> DISCIPLINE: 03/05/1991 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
 DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 35
 RETAINED DAYS: 0000 SEQ #: 16 RULE LIT: FIGHTING WITHOUT A WEAPON

>> DISCIPLINE: 03/04/1991 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
 DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 29
 RETAINED DAYS: 0000 SEQ #: 15 RULE LIT: ASSAULT ON PERSONS ASSC. WITH DOC

>> DISCIPLINE: 11/01/1990 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
 DISCIPLINE TYPE: MAJOR AT INST: 041 RULE NUMBER: 57
 RETAINED DAYS: 0000 SEQ #: 14 RULE LIT: INSUBORDINATION

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AIS: 00150171 INMATE: ALLEN, DAVID LINCOLN RACE: B SEX: M

DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 10/04/1990 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 13 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 06/21/1990 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 35
RETAINED DAYS: 0000 SEQ #: 12 RULE LIT: FIGHTING WITHOUT A WEAPON

>> DISCIPLINE: 05/30/1990 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 11 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 05/30/1990 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 045 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 10 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 10/10/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 09 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 08/15/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 08 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 08/15/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 54
RETAINED DAYS: 0000 SEQ #: 07 RULE LIT: REFUSING TO WORK/ENCOURAGING OTHE

>> DISCIPLINE: 08/15/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 44
RETAINED DAYS: 0000 SEQ #: 06 RULE LIT: THREATS

>> DISCIPLINE: 08/15/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 05 RULE LIT: INSUBORDINATION

>> DISCIPLINE: 08/11/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 50
RETAINED DAYS: 0000 SEQ #: 04 RULE LIT: BEING IN AN UNAUTHORIZED AREA

>> DISCIPLINE: 08/09/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 56
RETAINED DAYS: 0000 SEQ #: 03 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 08/03/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 57
RETAINED DAYS: 0000 SEQ #: 02 RULE LIT: INSUBORDINATION

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ALABAMA DEPARTMENT OF CORRECTIONS
INMATE SUMMARY AS OF 01/02/2007

INST: 041
CODE: CDRVK

***** CONTINUATION *****

AIS: 00150171 INMATE: ALLEN, DAVID LINCOLN RACE: B SEX: M

DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 08/03/1989 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9
DISCIPLINE TYPE: MAJOR AT INST: 002 RULE NUMBER: 54
RETAINED DAYS: 0000 SEQ #: 01 RULE LIT: REFUSING TO WORK/ENCOURAGING OTHE

**USE OF FORCE
INVESTIGATION SHEET**

**LIST BELOW PERSONNEL INVOLVED/
INTERVIEWED**

Jeffery Knox, COSII

**LIST BELOW INMATES INVOLVED/
INTERVIEWED**

David Allen, B/M 150171

FINDING: On November 7, 2006, at approximately 5:00 PM, in Dormitory #9, B-Side, Captain Jeffery Knox was assisting in shakedowns. Inmate David Allen, B/M 150171, entered the dorm and Captain Knox observed that Inmate Allen was in need of a shave. Captain Knox ordered Inmate Allen to shave and Inmate Allen became argumentative with Captain Knox. Captain Knox ordered Inmate Allen to stop and stand near the wall. Inmate Allen refused to comply with the order. Captain Knox reached with his right hand, and Inmate Allen pushed Captain Knox's hand. Captain Knox grasped Inmate Allen's upper torso with both hands. Inmate Allen began to physically resist. Captain Knox wrestled Inmate Allen to the floor, and landed on top of Inmate Allen. Inmate Allen's left side and forehead struck the floor; all force ceased. Officer Larry McCovery handcuffed Inmate Allen. Sgt. Phelix Woods and Officer Kenneth Drake escorted Inmate Allen to the Health Care Unit. Inmate Allen was treated/examined by Dr. Jean Darbouze and released back to ADOC Officials. Lt. Bryant questioned Inmate Allen about the incident. Inmate Allen stated that Captain Knox and two other Riot Team Members jumped on him by pushing his head to the lobby floor, and stomped him on his left side.

THE USE OF FORCE WAS JUSTIFIED:

Due to Inmate Allen refused to stop and stand near the wall as ordered by Captain Knox, pushed Captain Knox's hand, and physically resisted, Captain Knox used the minimum amount of force necessary to control Inmate Allen. Lt. Bryant questioned several inmates assigned to Dorm #9, and found that Inmate Allen's alleged accusations are untrue.


INVESTIGATING OFFICER'S SIGNATURE

Exhibit #3

Copy

INMATE REQUEST SLIP

Name Lincoln David Allen Quarters B-3-A Date 1-31-07AIS # 150171 FEB 02 2007

() Telephone Call () Custody Change () Personal Problem
 () Special Visit () Time Sheet (X) Other Warden
MS Mosley

Briefly Outline Your Request - Then Drop In Mail Box

I am Sending you this Notice Warden Mosley
Asking for permission to speak with you in person about
some departmental matters which I have filed 1983 Laws
Suit. MS. Mosley When your time is convenient to you.
I would appreciate it in Good Faith.

In Best Regards
Lincoln David Allen
#150171

Do Not Write Below This Line - For Reply Only

2/5/07

You need to be more specific. Exactly
what do you need to speak to me about.

gcm

Approved

Denied

Pay Phone

Collect Call

Request Directed To: (Check One)

() Warden () Deputy Warden () Captain
 () Classification Supervisor () Legal Officer - Notary () Record Office
 Public